THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19094 of 2007

Date:10-09-2007

Between:

Inampurdi Bhaskara Venkata Krishna Prasad ..

PETITIONER

AND

The District Panchayat Officer, Machilipatnam and another

...RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the notice in ROC No.3/2007, dated 28.08.2007 issued by the 2nd respondent directing the petitioner to vacate Narayana Fish Tank situated at Jamidaggumilli Grampanchayat, Pamarru mandal, Krishna District, as illegal and arbitrary.

It is the case of the petitioner that he was a highest bidder in respect of fishing rights of Narayana Fish Tank situated at Jamidaggumilli Grampanchayat, Pamarru mandal, Krishna District for the years 2004, 2005 and 2006 i.e. for a period of three years on the yearly lease amount of Rs.50,000/-. The period of lease ends by 30.06.2007 authorising the petitioner to catch fish. It is stated that the 2nd respondent issued notice, dated 28.08.2007 in ROC No.3/2007 directing the petitioner to vacate and hand over the possession of the said Narayana tank within ten days so as to enable them to conduct auction and grant fishing rights in favour of the highest bidder, otherwise the said grampanchayat will take over the possession of the said tank.

Aggrieved by the same, this writ petition has been filed stating that on 31.10.2006 the said tank was submerged due to 'Ogni' storm and he sustained heavy loss to an extent of Rs.4,00,000/- as most of the fish came out of the tank and died and therefore, he has put the seeds afresh and the fish would reap by the end of December, 2007 and therefore, he sought for the extension of the lease period. The said representation, dated 21.08.2007 has been rejected and the second respondent has issued impugned notice. In the said notice it is

stated that the grampanchayat is no way concerned with the losses incurred by the petitioner due to the natural calamities. It is further stated that the petitioner having accepted the terms and conditions only entered into agreement for fishing in the said tank and therefore, he cannot ventilate any grievance.

Admittedly, the lease period ends by 30.06.2007. Therefore, I am of the opinion that the petitioner has no legal right to seek any extension of time. Every year the leasehold rights have to be auctioned in accordance with law and if the petitioner has invested huge money by putting the seeds afresh, he will be in a better person to compete in the open auction and obtain the same on fresh lease. Therefore, I do not see any illegality on the part of the 2nd respondent in terminating the lease as the lease period itself expired by 30.06.2007.

Accordingly, the writ petition is dismissed. No costs.

_____

V.ESWARAIAH, J.

Date:10.09.2007
CCM